

Attachment A
Department of Fish and Game Comments on the
Administrative Draft Multi-species Conservation Strategy
(May 7, 1999)

Comment Number	Page Number	Section, Figure, or Table No.	Commentor	Comment	
	G-4	Definitions Table	JS	Added Definition: Cite the State Code Section for "endangered". A definition should be added for "Estuarine fish".	
	G-4		CB	Definitions - "evaluated species" - "species within the focus area that either could be affected by CALFED Program actions or are listed."	
	G-5	Definitions Table; incidental take	JS	The definitions should be modified to drop the word "wildlife" since the section 9(a)(2) discusses plants. This sections should also reference California's 2081 Memorandum of Understanding or permit process that allows for the take (intentional or incidental) of endangered, threatened, or candidate species as a result of lawful activities.	
	G-5	Definitions Table; listed species	JS	This definition should be rewritten as follows: "...endangered by the California Department Fish and Game Commission and the federal fish and wildlife agencies.	

	G-6	Definitions Table; raptor	JS	This definition as written would includes birds such as Puffins and Least willows flycatchers. This definition should be rewritten as follows: "bird species in the order Falconiformes such as hawks, eagles, kites, and falcons."	
	G-7	Definitions Table; take	JS	This definition should be expanded to also include a reference to plant species. This can be easily done by adding the word "plant" to locations where wildlife is listed. Reference CESA with regards to take.	
	G-8		CB	Definitions - "Type 1 action" - "...the Wildlife Agencies can provide take authorization without additional analysis of information regarding the action's impacts on listed covered species."	
	ES-1	Third Paragraph	FW	The purpose described should be consistent with the purpose described on page 1-2.	
	ES-2	Third Paragraph	MB	"Covered species are evaluated species which will be adequately conserved by implementation of the MSCS and ERP.". This should/will be revised in accordance with the Staff Team meeting discussion of 4/20/99.	
	ES-3	Second Paragraph	FW	In second line "Ecological" should be changed to "Ecosystem".	
	ES-4	Third Paragraph	FW	On the fourth and fifth lines it describes the "Through-Delta Conveyance" as one of the eight elements. In the context of this programmatic MSCS and the manner in which an isolated facility is discussed in later sections it seems inconsistent to describe this element in this manner. Table 5-1 on page 5-9, for instance describes an isolated facility. This same comment applies to page 4-1.	

	ES-4	Third Paragraph	FW	On the last four lines it describes, in detail the components of this element. Since some of these have not been decided on it may need to be modified to reflect the outcome of the SDI process. This same comment applies to pages 4-1 and 4-3.	
	ES-5	Second Paragraph	FW	This paragraph should make it clear that two of the "natural communities" are ecologically based fish groups that are analyzed as species and not just their habitats.	
	ES-7		CB	Revise text as follows: "... on the basis of the analysis information in the programmatic MSCS or programmatic biological opinions."	
	1-2	1.2	CB	Revise text as follows: CALFED has developed this comprehensive MSCS for the CALFED Program as the foundation for compliance with ESA, CESA and the NCCPA. The MSCS itself does not constitute compliance with these acts or authorize incidental take. Instead the purpose of the MSCS is to: to determine how CALFED Program actions will comply with ESA, CESA and the NCCPA. The MSCS in itself does not fulfill the requirements of ESA, CESA or the NCCPA or authorize the incidental take of Covered Species for CALFED Program actions. Instead, the MSCS identifies conservation measures for Covered Species that can be incorporated within CALFED Program actions to allow the actions to be carried out in compliance with ESA, CESA and the NCCPA. To this end, the MSCS is intended to:	
	1-3	Second Paragraph	FW	"Environmental ratcheting" should be defined or a different description used.	
	2-1	Introduction	CB	Revise text as follows: "The ERP and this MSCS provide for the conservation of natural communities and the species that depend on them. The MSCS serves as the a programmatic NCCP for 20 natural communities..."	

	2-6	Table 2-1	HR	Another group of species that includes "freshwater resident fish species" needs to be referenced here to cover the species listed latter in the document under "contribute to the recovery". For example, Sacramento Perch could be included in the group identified as "freshwater resident fish species".	
	2-8	2.3; first paragraph, second to last sentence	CB	Revise text as follows: "...These species are adequately conserved by the MSCS and would be adequately conserved even if limited incidental take were authorized..."	
	2-11	Giant Garter Snake	LB	This species is listed as "not likely to be affected" because "species occurs in areas that would not be affected by the CALFED actions". This is incorrect as the range of the giant garter snake falls entirely within the focus area of the ERPP. Additionally, this contradicts Volume I of the ERPP page 36 where it is stated that the vision of the giant garter snake is to assist in the recovery. X2 designation should be deleted in second to last column.	
	2-14	Riparian Brush Rabbit	FW	The species goal should be a big "R".	
	2-14	Spring-run Salmon	FW	Spring-run should be added to this table.	
	2-15	Fall-run Salmon	FW	Under Central Valley Fall-run consider adding reference to Sacramento and San Joaquin fall-run and late fall-run.	
	3-1	Introduction	CB	Insert "practicable" where "practical" is now used.	

	3-1	Species and Habitat Goals; 1st paragraph.	JS	<p>The following sentence needs to be either deleted or moved to later in the paragraph and a sentence added that associates this statement with "little r" species:</p> <p style="padding-left: 40px;">"For CALFED, this goal may not be feasible for some species, mainly fish, threats to which extend beyond the scope of the CALFED Program."</p> <p>As currently written, individuals may view this statement as giving CALFED an out to achieving its desired results, species recovery.</p>	
	3-1	Paragraph 1	HR	The number of fish species in the recovery category stated here is less than those listed in that same category on the tables in this chapter. This discrepancy should be corrected.	
	3-2	Recovery "R"	RB	Recovery equals delisting at a minimum, but recovery criteria (incomplete list in Table3-1) are taken from the recovery plan, not from the list of threats to the species in Fed. Register. W/o removing the threat, species may increase in abundance during good conditions, but will still be "threatened"	
	3-4	Table 3-1; Prescriptions for Species with "R" and "r" Goals	RB	Outflow abundance relationship referred to in #4 is incorrect in the Native Species Recovery Plan; this equation should be formally recalculated and published.	
	3-5	Table 3-1; Prescriptions for Species with "R" and "r" Goals	RB	Sacramento splittail criteria are ambiguous. The text should be more specific. Randy Baxter with DFG should be consulted to provide better criteria.	

	3-6	Table 3-1; Prescriptions for Species with "R" and "r" Goals	SC	The salt marsh harvest mouse is missing in this table.	
	3-8	Section 3.3	HR	Relationship with Recovery Plans- This section needs to mention CESA. It only mentions recovery plans pursuant to federal ESA. This document states that one of the purposes of the proposed Conservation Strategy is to ensure compliance with the endangered species laws, not be a segregate for those regulations.	
	3-9 and 10	3.4 and 3.7	FW	Reference to the "Strategic Plan" prepared by the Core Team should be deleted and replaced with the strategic plan prepared by CALFED as part of the ERPP.	
	4-5	4.1.3	FW	Restoring Delta channel hydrodynamics should also be listed.	
	4-8	4.1.8	FW	The outcome of the SDI effort should be substituted for this description.	
	5-3	Table 5-1	JS	Columns under "Applicable CALFED Regions" the column after "SR" should be listed as "SJR".	
	5-3	Table 5-1; first row	JS	The row that talks about "Provide for more natural river flows and Bay-Delta freshwater inflow peaks in fall. Winter, and spring of all but critical years (E1)" should be modified to read as follows: "...and spring of all but critical water years, flow supplementation (magnitude and duration) would depend on the type of water year.	
	5-3 to 5-9	Table 5-1	LB	Identify the meaning of the letters and numbers used in the Summary Programmatic Action Outcomes; examples of these codes are E1, E2...O1, O2.	
	5-3	Table 5-1	FW	Other mechanisms for restoring Delta channel hydrodynamics should also be listed such as operational changes and use of an Environmental Water Account.	

	5-4	Table 5-1	JS	Restoration and maintenance of riverine aquatic habitats (E6) continued: Markers should be added to the columns for the Delta and Bay regions denoting the potential for these activities occurring in those regions.	
	5-7	Table 5-1	JS	Levee System Integrity Program; last row this section. This item does not apply to the Levee System Integrity Program Move this Action to the Water Quality Program.	
	5-5	Table 5-1	LB	It is not clear what is meant by checking only the Delta and Bay regions as the applicable CALFED regions in regards to vernal pools. If Action Outcomes are only going to be considered in these two areas, the scope is too narrow. The ERPP, volume I, pages 279-282, states a vision of protecting and enhancing existing populations, two of which are in Merced and Lake Counties. Additionally the ERPP links the vernal pool guild of plant species with the restoration of vernal pool habitat (ERPP, volume I, page 281. The vernal pool guild of plants includes, but is not limited to, species from the following counties: Stanislaus, Solano, Colusa, Fresno, Mendocino, Placer, Santa Barbara, and San Joaquin.	
	5-6	Table 5-1	FW	Add an X in the Delta column for riparian brush rabbit.	
	5-8	Table 5-1: Watershed Management Program; last row on page	SC	South delta conveyance features are described under the Watershed Management Program. This appears to be a mistake.	
	5-8	Table 5-1: Water Transfer Program	SC	Impact mechanisms and potential adverse effects of water transfers, particularly on anadromous fish species, needs to be elaborated.	

	5-8	Table 5-1: Watershed Management Program	SC	The second item should be deleted because it is not a watershed program action but rather a feature of conveyance facilities.	
	5-9		HR	Under construct and operate enlarged or new storage facilities item 3 should be : "Reoperation of existing or enlarged storage facilities and reoperation of existing or enlarged diversion facilities resulting in an alteration of riverflow downstream of those facilities.	
	5-9	bottom of page	HR	Under conveyance and storage operations include: reoperation of the SWP and CVP to support post project water management goals and objectives resulting in an alteration of pre-project river flows in the rivers upstream of the delta.	
	5-9	Table 5-1: Summary Outcomes; Conveyance Facilities	SC	The description of impact mechanisms associated with operational tidal barriers is incomplete and oversimplified and should be elaborated upon.	
	5-10	second paragraph	SC	The first criterion listed under the description of species not likely to be affected by CALFED Program actions (species are highly mobile and for which habitat is not limiting) does not consider the sensitivity of a species to disturbance factors. Just being highly mobile doesn't mean there are no adverse effects resulting from program actions.	
	5-10	section 5.1.3	SC	"....habitats that may be used by a species only under limited or special circumstances...were not considered to be a habitat type with which the species is associated." This statement seems to present a very conservative view on habitat utilization.	

	5-11	NCCP Habitats and Associated Species	FW	This paragraph should make it clear that two of the "natural communities" are ecologically based fish groups that are analyzed as species and not just their habitats.	
	5-11	NCCP Habitats and Associated Species	MB	<p>"The analysis assumes that summary outcomes on NCCP habitats represents the range of effects, both beneficial and adverse, on habitat quality and habitat quantity on the species associated with each NCCP habitat."</p> <p>A habitat based plan does not necessarily provide adequate protection for plants. What assurances will be provided that sensitive plant populations will be adequately conserved by this plan rather than substantially impacted by CALFED actions? General information should be provided regarding requirements for site specific surveys as well as those measures (general) or processes that will be implemented assure adequate conservation of covered plant species.</p>	
	5-12	3rd paragraph, last sentence	JS	The last sentence should be reworded to read as follows: Quality of the data was assessed by a review of draft maps by knowledgeable persons individuals familiar with the habitat types.	
	5-13	Prescriptions for Reaching Species Goals	SC	The text states "The prescription for each species provides habitat or population targets that, if met, would achieve the goal for the species." Consider changing text to read "...habitat or population targets that, if met, would presumably achieve the goal for the species." We need to clearly convey the notion that species prescriptions, as well as targets, are subject to change through the adaptive management process and what we learn through monitoring and research.	
	5-13	Prescriptions for Reaching Species Goals	RB	refer to comments 2 and 3; species goals listed are erroneous and inadequate; and incomplete relative to even Nat. Spec. Recovery Plan. NSRP does not tie removal of threat to recovery.	

	5-15	Table 5-3	MB	While it is understandable that the MSCS should not unduly duplicate other CALFED documents, the number of acres lost in each habitat category resulting from CALFED actions should be provided.	
	5-24	Table 5-5	MB	The MSCS should include site specific species surveys that will be conducted as part of implementation of CALFED actions and the MSCS as one of the implementation strategies.	
	5-26	Table 5-5	SC	Anadromous fish species and Estuarine fish species: "The proposed actions...would lead to substantial improvement in ...populations and habitat." This is an equivocal statement. The summary effects in this table are untested hypotheses. Consider changing text to read "...may potentially lead to significant improvement...".	
	5-28	Table 5-6	JS	The riparian brush rabbit should be added to this table as an "R" species.	
	5-28	Table 5-6	FW	The San Pablo California vole should be listed as an "r" species on the next page.	
	5-29	Table 5-6	FW	Several species are missing from this table: salt marsh harvest mouse and San Joaquin Valley wood rat.	
	5-29	Table 5-6	FW	The summary of effect for Swainson's hawk reads like one crafted for an "R" species. Some editing may be in order.	
	5-30	Section 5.4; second paragraph	SC	The text states that not all conservation measures to avoid, minimize, or compensate for CALFED Program impacts will be applicable to specific CALFED actions. What criteria would be used to select measures from a menu of conservation measures?	
	5-31	last paragraph; second to last sentence	FW	Revise text as follows: "...implementation of conservation measures may not be required <u>for actions to benefit fish and wildlife.</u> "	

	5-32	Table 5-7	MB	The title should be reworded to make it clear that this does not include species such as those that are fully protected by the state. It should be as definitive as the explanations provided in Section 7.3-2, pg. 7-7.	
	6-1	first paragraph	SC	The text states that the CALFED Program will be consistent and synergistic with existing wildlife protection and recovery plans and then lists some of these plans. There is no explanation of <u>how</u> the MSCS will achieve consistency and synergism with these other programs. This information is necessary to determine whether covered species will be adequately conserved by the combined efforts of CALFED and other non-CALFED programs.	
	6-1	6.1.1	FW	The text ends without completing the section. Page 6-2 starts out of context.	
	6-1	6.1.1, second paragraph	SC	The text alludes to information and conservation measures in USFWS and NMFS recovery plans with listing any specific plans. Consider mentioning the Recovery Plan for the Sacramento/San Joaquin Delta Native Fishes and the Recovery Plan for Upland Species of the San Joaquin Valley, California.	
	6-2	6.1.3	FW	Relevant CESA 2081 agreements should be listed.	
	6-3	Section 6.1.5; CVPIA	SC	Briefly describe the AFRP and goal of doubling natural production of anadromous fish.	
	7-1	7.1	FW	This sections states DFG will receive the MSCS for approval as a NCCP. Elsewhere in this document it states that DFG will use the MSCS to prepare a NCCP. This should be clarified.	

	7-4	Section 7.2.3	SC	<p>“Further, to qualify for the streamlined compliance process, a CALFED Program action must be proposed as it is described and analyzed in the PEIR/EIS and as it is described in the MSCS.”</p> <p>Is this sentence saying that in order to qualify for a streamlined process, the effects of a proposed action must be described, at least at a programmatic level in the PEIR/EIS? Since this section of the document is dealing with action-specific implementation plans, proposed program actions will necessarily be more detailed than what is presented in the PEIR/EIS.</p>	
	7-3	paragraph 2	MB	<p>In order to be consistent with Section 2081(b) of the Fish and Game Code, the requirements contained within that section be included. Specifically, the requirements to fully mitigate, rough proportionality, be capable of successful implementation, assurance of adequate funding to implement the mitigation, monitor compliance, and monitor the effectiveness of the mitigation.</p>	
	7-5	Type 1 actions; paragraph 2	MB	<p>Same comment as for Page 7-3, above, regarding section 2081(b).</p>	

	7-11	Draft Section 7.4.6; paragraph 2	MB	<p>The text states "Because the MSCS is a comprehensive conservation plan, the entities undertaking Program Actions will receive assurances that the Wildlife Agencies will not require additional commitments of land, money or water, and will not impose further restrictions on the use of land or water, to conserve Covered Species than are provided for in the MSCS..."</p> <p>Compare language in Chapter 8, Compliance Monitoring, Section 8.2: "...Documentation of compliance with ESA/CESA/NCCPA requirements will become part of the CALFED permitting process as developed by the Wildlife Agencies. The information derived from monitoring the success or failure of these actions may be used in determining the actions to be implemented in the next stage of the CALFED Program."</p> <p>The MSCS should describe what happens if circumstances require a further commitment of land, water, money, etc. If that kind of assurance is to be provided at this time, then the data on which the MSCS is based should be a lot better and more precise conservation strategies should be identified as part of this document, particularly with respect to what happens if it is not working.</p>	
	8-2	Section 8.2	MB	<p>"The information derived from monitoring success and failure of these actions..."</p> <p>Change "may" to "shall", otherwise this document does not provide any assurance that covered species will be adequately conserved.</p>	

	8-3	Paragraph one	MB	<p>"The primary means by which progress towards goals for MSCS species will be measured is expected to be through monitoring the distribution and abundance of habitat types over time."</p> <p>This does not adequately address conservation of plant species. Suggest that methodology or a process to monitor the success of the program with respect to covered plant species be included.</p>	
	Appendix 1	NCCP Habitats	LB	<p>The following changes need to be made:</p> <p>Garzas - add checks to the upland scrub and valley/foothill woodland and forest boxes.</p> <p>Ingram - add a check to the natural seasonal wetland box.</p> <p>Orestimba - add checks to upland scrub (records show 10% of the site is chaparral and valley valley/foothill woodland and forest boxes.</p>	
	Appendix 1	Summary of Species Potentially Occurring but not on the List	LB	<p>If the California wolverine is to be added as a species that could potentially occur near proposed CALFED reservoir sites, then the Pacific fisher should not be removed.</p>	
	Appendix 1	Garzas: Potential Species Occurrence	LB	<p>Add the following species: California tiger salamander, western spadefoot toad, red-legged frog, foothill yellow-legged frog, California horned lizard, silvery legless lizard, San Joaquin whipsnake, and tricolored blackbird.</p>	
	Appendix 1	Ingram: Potential Species Occurrence	LB	<p>Add the following species: California tiger salamander, western spadefoot toad, red-legged frog, foothill yellow-legged frog, California horned lizard, silvery legless lizard, and San Joaquin whipsnake.</p>	
	Appendix 1	Orestimba: Potential Species Occurrence	LB	<p>Add the following species: California tiger salamander, western spadefoot toad, red-legged frog, foothill yellow-legged frog, silvery legless lizard, San Joaquin whipsnake, and golden eagle.</p>	

	Appendix 1	Panoche: Potential Species Occurrence	LB	Add the following species: Molestan blister beetle, California tiger salamander, western spadefoot toad, red-legged frog, foothill yellow-legged frog, California horned lizard, silvery legless lizard, San Joaquin whipsnake, Alameda whipsnake, and golden eagle.	
	Appendix 1	Quinto: Potential Species Occurrence	LB	Add the following species: California tiger salamander, western spadefoot toad, red-legged frog, foothill yellow-legged frog, California horned lizard, silvery legless lizard, San Joaquin whipsnake, and golden eagle.	
	Attach 4	Table A	RB	The relationship between splittail and riparian forest (VFR) and flooded agricultural land in bypasses (SFA) is missing.	
	Attach 4	Table A	FW	Add an X for the salt marsh harvest mouse in managed seasonal wetland.	
	Attach 5	all tables	SC	Format issue. It would greatly improve the tables if, reading across a row, the potential beneficial effects were tied to potential adverse effects and conservation measures to offset adverse effects.	
	Attach 5	Table E	MB	This table addresses potential beneficial and adverse effects on species inhabiting saline emergent communities. One such species is the salt marsh harvest mouse, a fully protected species. One identified adverse affect is mortality. How will this be balanced against the status of the species, since the fully protected statutes prohibits take? This is true of all fully protected species addressed by this document.	
	Attach 5	Table L, Grassland	LB	The MSCS should explain why the California condor is listed as an <i>Associated Evaluated Species Potentially Affected by the Program</i> yet it was listed as <i>Not Likely to be Affected</i> in Table 2-2, Species Evaluated in the MSCS.	

	Attach 5	Table S	FW	Starting with this section and extending through the remainder of the document the word "extent" has been accidentally omitted before the word "consistent" in the first line of the right hand column.	
	Attach 5	Table S; Page 2 of 7	JW	<p>First conservation measure:</p> <p>Revise first sentence to read: "To the extent consistent with Program objectives, operate existing in channel barriers and any new barriers that may be constructed to avoid changes in Delta channel hydraulics that increase the numbers of fish or proportions of fish populations drawn toward the pumps or affected by poor water quality."</p> <p>What is means by the term "restrictions"? Define it or don't use it in this context.</p> <p>Second conservation measure:</p> <p>Revise to read: "To the extent consistent with Program objectives, implement monitoring and testing necessary to define operations of the DCC gates from November through January which achieve benefits to Sacramento basin anadromous fish and avoids potential detriments to anadromous fish from other basins and to other Delta and estuarine fish.</p> <p>Third conservation measure:</p> <p>The intended purpose of this measure is not at all clear.</p>	
	Attach 5	Tables S and T	FW	The conservation measures listed for the second and third rows on the first page of each of these tables should deleted and new measures prepared (see comment above by JW). The ones listed are inconsistent with the ERPP and in direct conflict with measures listed for other species groups.	

	Tech Report 4; Winter-run	Conservation measure 3; Red Bluff DD	DB	Replace conservation measure 3 with the following text: "Implement recovery actions identified in the USFWS winter-run chinook salmon recovery plan."	
	Tech Report 4; CV spring-run	Species goal prescription	DB	<p>Replace goal prescription with the following text: Restore self-sustaining, properly functioning populations of Sacramento spring-run chinook salmon throughout a significant portion of their range within the Sacramento River watershed (including but not limited to Mill, Deer, Antelope, Butte, Big Chico, Beegum, South Fork Cottonwood, Clear, and Battle creeks; Yuba River) such that the danger of extinction in the foreseeable future is unlikely. A scientifically-based recovery criteria shall be developed, by the Department of Fish and Game in cooperation with NMFS and provided to CALFED within one year after the ROD for the CALFED EIS, which considers the risk of extinction to populations both individually and collectively given population distribution within the Sacramento River watershed. Attainment of specified abundance criteria for spring-run populations shall cover a minimum 15 years which constitutes five times a generation time.</p> <p>The geometric mean of a Cohort Replacement Rate for a significant proportion of the spring-run populations over the 15-year period will be greater than 1.0. Estimates of these criteria will be based on natural production alone and will not include hatchery-produced fish. If the precision for estimating spawning run abundance has a standard error greater than 25%, then the sampling period over which the geometric mean of the Cohort Replacement Rate is estimated will be increased by one additional year for each 10% of additional error over 25%.</p>	

	Tech Report 4; CV spring-run	Conservation measure 3	DM	Revise conservation measure to read: "To the extent consistent with Program objectives, operate existing in channel barriers and any new barriers that may be constructed to avoid changes in Delta channel hydraulics that increase the numbers of fish or proportions of fish populations drawn toward the pumps or affected by poor water quality."	
	Tech Report 4; CV spring-run	Conservation measure 4	DM	Replace conservation measure 3 with the following text: "Implement recommendations for management actions described in "A Status Review of the Spring-run Chinook Salmon in the Sacramento River Drainage (DFG 1998). These recommendations will serve as a basis upon which to develop and implement future actions for the recovery of spring-run chinook salmon."	
	Tech Report 4; CV steelhead	Species goal prescription	DeM	Replace species goal prescription text with: Restore self-sustaining populations of steelhead to all streams that historically supported steelhead populations and contain suitable habitat, or could contain suitable habitat with the implementation of reasonable restoration and protection measures. Numbers of fish of natural origin should exceed in most years the estimated population level in the late 1950's: 40,000 adult spawners annually. However, this number may be increased in the future after population viability/extinction modeling has been done and NMFS, as part of their multi-species recovery planning, has determined a minimum viable population size.	
	Tech Report 4; CV steelhead	Conservation measures	DeM	Add the following conservation measure: "Determine the abundance, distribution, and structure of existing steelhead populations, and develop and implement restoration measures and protections that have a relatively high degree of certainty of increasing number and size of naturally spawning populations."	

Comments by:

MB= Marina Brand; FW= Frank Wernette; JS= Jim Starr; LB= Laurie Briden; SC= Scott Cantrell; HR= Harry Rectenwald;
CB= Chris Beale; JW= Jim White; DB= Deborah McKee; DeM= Dennis McEwan

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